

## MINUTES

### RANDOLPH COUNTY PLANNING BOARD

**November 8, 2005**

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, November 8, 2005, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Acting Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, absent; Bill Dorsett, Vice Chairman, absent; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; Chris McLeod, present; Jim Rains, present; and Reid Pell, Alternate, (substituting for regular member McDowell) present. **County Attorney Alan Pugh** was present for this meeting.
3. **Jim Rains** made the motion, seconded by **Phil Ridge**, to approve the minutes of the October 4, 2005 Randolph County Planning Board meetings. The motion passed unanimously.

**Johnson** announced that the Planning Department had received a request by fax for the Planning Board to postpone the meeting concerning the following request:

**WILLIAM SPENCER**, Sophia, North Carolina, is requesting that 1.46 acres located on the corner of US Hwy 64 East/White Lake Drive, Whitehead Subdivision lots 2-10, Columbia Township, be rezoned from RA to HC. Secondary Growth Area. Tax ID# 8722564918. It is the desire of the applicant to use the property for commercial activities.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that this proposal was not in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be denied. The staff felt a straight rezoning would be out of character with this residential area. The staff noted that the existing buildings were built as farm buildings (without permits) and as such would not meet commercial building code requirements.*

**Pugh** said that normally during the Planning Board public hearing process (concerning rezoning request matters) the Board receives testimony from the public, and a

recommendation to approve or deny the request is established and forwarded to the Board of Commissioners. Pugh said that the Commissioners receives the request at their next hearing and repeat the same process of receiving information concerning the request. Pugh said that the request to postpone this hearing concerning this request received from the applicant this afternoon has provided the Board with a number of options. 1. Postpone the request. 2. Proceed with the process; hear those that have come to be heard tonight, and make a recommendation to the Board of Commissioners. Or 3. Send the request forward with no recommendation and not hear those present tonight.

**Brown** made the motion to send this request with no recommendation so those present would not have to come to two additional hearings.

**Craven** asked if those present could be heard tonight. **Pugh** answered that the Board could hear those present if the Board so chose. **Rains** asked if there was a challenge to this request in the future, would it work against the County to forward this request with or without a recommendation. **Pugh** said he didn't think the applicant would be able to challenge if no recommendation was sent forward, due to the fact that the request was made so late this afternoon.

**Ridge** said that if a change is made in the request the request could be brought back before this Board.

**Pugh** said the Board could make the decision to recommend it not be approved because the applicant was not present to provide evidence and gave such short notice to request a postponement.

**Craven** said he is not comfortable to send a request forward without a recommendation.

**Brown** withdrew his original motion and made the motion to recommend to the Board of Commissioners that this request be **denied** based on the fact that the applicant was not present to provide evidence and gave such short notice to request a postponement. **Rains** seconded the motion.

**Jack Embree**, 9237 US Hwy 64 East, spokesman for the community, said that the request is out of character with the nature of the subdivision. Embree said that they felt this was a residential area that should not be commercial. Embree said that they would save the rest of their testimony until the Commissioners meeting. There were 12 citizens present in opposition to this request.

The motion passed unanimously.

4. **REQUEST FOR A SPECIAL USE PERMIT:**

***Swearing in of the Witnesses*** - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

7 people took this Oath.

- A. **CINGULAR WIRELESS**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 199' monopole cellular tower and facility as per site plan on 81.32 acres located on Bells Grove Road (approximately 1 mile from county line), New Hope Township, Badin Lake Watershed, Rural Growth Area, Tax ID# 6684550772. Boyd H. Clodfelter - Property Owner.

**Karen Prother**, Attorney at Law, 1117 Hillsborough Street, Raleigh, said that she represents Cingular Wireless. Prother described the area as very remote and said this would provide coverage to an area of Randolph County that has no cellular coverage currently. Prother provided notebooks to the Board with information as evidence for their request. Prother also provided maps of the site and the coverage areas for Cingular Wireless. Prother said they have met all the standards, goals, and policies of the County Zoning Ordinance.

**Craven** asked the proposed coverage area the site would provide. **Nu Bue**, 7800 Airport Center Drive, Greensboro, (Site Engineer) said that it would have a coverage of approximately 2.5 miles.

**Brown** asked what the MSL for the tower would be and **Steven Howard**, 7800 Airport Center Drive, Greensboro, (Project Manager) said the number is 950 ft. **Brown** said he is a pilot and hates towers.

**Kenneth Reininger**, 1698 Fleta Brown Road, NC Zoo Curator, said there are over 85,000 cellular towers in the United States. Reininger said over 100,000 native birds are killed each year. Reininger said the Board should keep towers below 199 ft. and use strobe lights on taller towers. Reininger said that high towers without lights create dangers for birds. Reininger said that birds will fly around and around the tower until they are exhausted and drop to their death. Reininger provided the Board with the information to minimize the dangers for birds.

**Prother** said the proposed tower would be unlit.

**Brown** made the motion, seconded by **McLeod**, to approve this request for a Special Use Permit. The motion passed unanimously.

- B. **STEVE VARNER**, Trinity, North Carolina, is requesting a Special Use Permit for a rural family occupation for an automotive dealer's license with a maximum 5 car display lot at his residence located at 1865 Tabernacle Church Road, on 26.54 acres, Tabernacle Township, Lake Reese Watershed, Rural Growth Area, Tax ID#'s 6794926350 and 6794817844.

Varner was present and said he has owned the property for 18+ years. Varner

said he is also a general contractor. Varner said he doesn't sell directly to the public. Varner said that he buys and sells through the internet. **Johnson** asked why the cars would be parked on the road instead of closer to the office (800+ ft. from the road). Varner said that he would agree to move the car lot location to the office (back off the road). Varner said actually the cars would be in the metal building (marked as barn on the site plan).

**There was no one present in opposition to the request.**

**Johnson** said that he had received one phone call from a resident in the area that was concerned about the location of the cars at the road.

**Ridge** made the motion, seconded by **Brown**, to approve the request with the restriction that the car lot be moved back next to the office. The motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **GLENN PALADINI**, Hopewell Junction, New Jersey, is requesting that 67.45 acres located on Old NC Hwy 13 (just before Old Cox Road), Richland Township, be rezoned to RLOE-CU. Rural Growth Area. Tax ID# 7677731887. The proposed Conditional Use Zoning District would specifically allow the development of a 12-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft.

- **Neighborhood Information Meeting Summary**

*The developer and the surveyor, Jerry King, were present. There were no citizens present in opposition to this request.*

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved. The Committee noted that there are some lots that will be classified as Class A Flood Zone once the new County Flood Maps are approved.*

*Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:*

*Policy 2.14 The County should encourage the use of rural lot subdivision designs in those areas where it is found necessary to maximize*

*the infiltration of precipitation to a private well water field and insure sustainable groundwater supplies.*

**Policy 6.5**     *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

**Jerry King**, Surveyor, said that his clients live in New York and they plan to move themselves and their families here in the future. King said they train mechanics and operate an automotive repair shop in New York. King said most of the lots would be developed by family members, but a few lots would be sold. King said each lot will be served by individual well and septic tank. King said that the old flood maps showed no flood on the property; however, the newly proposed flood maps (that have not been approved) show some lots to be in a flood area. King said they plan to design the lots to accommodate these flood areas. King said the property owners were willing to fly down from New York and he advised them it would not be necessary. **Johnson** said the new flood maps are the most accurate flood maps to date. **King** agreed. King said that all the lots will access the new street.

**Foy Gann**, 4188 Old NC Hwy 13, said that he has lived in this community since 1939. Gann said he felt the minimum lot size should be 8 to 10 acres in this community. Gann said the community has a tremendous amount of farm traffic (tractors, etc.). Gann said he could understand the smaller lots along Hwy 42. **McLeod** asked Gann where he lives, and **Gann** answered approximately 2 miles from this site.

**Johnson** provided the Board with a letter from an adjoining property owner, **Roger Durham**, who is also in opposition to this request.

**Brown** agreed with Gann concerning lot sizes, but said when the Board was considering minimum lot sizes most people were opposed to larger lot sizes.

**McLeod** made the motion to recommend to the Commissioners that this request be approved with the condition that the lots be redesigned to consider the new flood maps. **Brown** seconded the motion and the motion passed unanimously.

- B. **VAN LEDBETTER**, Randleman, North Carolina, is requesting that 9.61 acres located on Heath Dairy Road, Back Creek Township, be rezoned from RA to CVOM-CU. Secondary Growth Area. Lake Lucas Watershed. Tax ID# 7754000257. The proposed Conditional Use Zoning District would specifically allow the re-division of tract #4 in the Stella Heath Subdivision for a mobile home, modular home, or a site-built home.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved as consistent with existing development patterns.*

*Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:*

*Policy 6.5      The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

*Policy 6.13    Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

**Jerry King**, Surveyor, said that Ledbetter wants to divide a lot off of his lot for his sister-in-law. King said that Ledbetter's sister-in-law has a mobile home currently. **Johnson** explained that this was a minor subdivision in 1996 and to divide an additional lot would require the Board's approval for a major subdivision.

**There was no one present in opposition to the request.**

**Brown** made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- C. **TIMOTHY HESS**, Ramseur, North Carolina, is requesting that 1.20 acres located on Ferguson Road (just off Ramseur Julian Road), Columbia Township, be rezoned from RR to RBO-CU. Rural Growth Area. Sandy Creek Watershed. Tax ID# 8703853365. The proposed Conditional Use Zoning District would specifically allow the construction of a 40' x 60' metal building and vehicle storage yard as per site plan for a towing business.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved. The staff noted that the Zoning Ordinance would require the vehicle storage yard to be completely screened by an 8' privacy*

*fence. A spill containment plan would also be required to be filed with the Planning Department to meet the County Watershed requirements. Example of a Growth Management Policy that the Technical Review Committee found supporting this recommendation are:*

- Policy 4.3 Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.*
- Policy 4.5 Effective buffering and/or landscaping shall be provided where commercial development adjoins existing or planned residential uses.*
- Policy 7.5 Site plans should be provided that design built-upon areas to specifically minimize stormwater runoff impact to streams and other receiving waters.*

**Hess** was present and explained that he lives next to this site. **Hess** said the lot fronts on Ferguson Road. **Hess** said he wants the storage yard now and plans to construct the building in approximately 2 years. **Hess** said the building must be outside the fence as per the NC Highway Patrol regulations. **Hess** said he stores any liquids that come from the vehicles in barrels and properly disposes of the fluids. **Hess** presented pictures of how he will protect the ground from run-off by using pans. **Hess** provided pictures of his property and explained how he has cleaned the property. **Hess** said normally vehicles are stored for approximately a week, but many times just a few days. **Hess** said NC Highway Patrol wrecker calls work off a rotation, and he must have a storage yard and office open 5 days a week to be on that rotation. **Hess** said nothing would be stored on the property for a long period of time. **Hess** provided a petition from people in the area (approximately 126 signatures) that are in favor of this request. **Brown** asked how the cars that he is stuck with will be disposed of. **Hess** said he disposes of cars with D.H. Griffin approximately 1+ miles from his residence (located on US Hwy 64). **Hess** explained that he is required to provide a privacy fence for the vehicle storage. **Craven** said there is not any problem getting rid of wrecked vehicles. **Hess** said he will not sell any parts from the location. **Ridge** asked about the size of the fenced area and **Hess** answered approximately 100' x 100'. **Ridge** said that this area will limit the amount of storage **Hess** will be able to have. **Brown** asked **Hess** if he is going to have a dealer's license, and **Hess** said not unless he it is required. **Ridge** said he felt the size of the fenced in area should be a part of the Conditional Use Permit. **Hess** said the fenced area would be no larger than 125 ft. **Ridge** said he felt there should also be some buffering requirements. **Hess** said that he plans to use the vinyl screening for privacy. **Ridge** asked **Hess** if he would agree to 100' x 100'. **Pugh** advised **Hess** that he should give the maximum size and not limit himself to a smaller area than he would need. **Ridge** said that he would agree to **Hess** working this size out with

the Planning Staff between now and the Commissioners meeting. Ridge said he felt the staff should also work with Hess concerning some buffering. **Brown** asked if Hess plans to construct a sign and **Hess** answered yes.

**There were 29 members of Hess’ neighbors that were present in support of this request.**

**There was no one present in opposition to this request.**

**Linville Allred** said he has lived here since 1955 and that Tim is the best neighbor he has had in a long time. Allred said that Tim is hardworking and a fine man. Allred said he would like to see Tim get this business. Allred explained that Tim has cleaned up the property and that Tim will do what he says.

**Ridge** made the motion to recommend to the Commissioners that this request be approved with the condition that Hess work with the Planning Staff concerning the fenced area and buffers before the Commissioners meeting. **Pell** seconded the motion and the motion passed unanimously.

6. The meeting adjourned at 8:05 p.m. There were 62 people present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

*HAL JOHNSON*

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**Planning Director**

*JILL WOOD*

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**Date**

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**Clerk/Secretary**